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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/513,646

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DANIEL A FORD

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05/06/2004

LEONARD T GUZMAN
IBM CORPORATION
650 HARRY ROAD
SAN JOSE, CA 95120

EXAMINER

ESCALANTE, OVIDIO

ART UNIT

PAPER NUMBER

2645

5

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,646

Applicant(s)

FORD ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on February 5, 2004. **Claims 1-13** are now pending in the present application.

Response to Amendment

2. The Examiner would like to respectfully ask applicants to use a larger font size in any subsequent response since the current amendment font size is too small.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,2,5,6,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ordish US Patent 5,195,031 in view of Sawyer US Patent 6,351,279.

Regarding claims 1,2,5,6,10 and 11, Ordish teaches a method, program storage device readable by a machine to perform the method steps and a system comprising means for interjecting messages into a real-time isochronous discourse between a plurality of users (abstract; col. 2, line 57-col. 3, line 32) comprising:

providing a system (col. 3, lines 12-18; col. 5, lines 26-44) for accessing a real-time isochronous discourse on a video communication between two or more callers, (col. 5, lines 26-64);

accessing a real-time isochronous discourse on a video communication between two or more callers (col. 3, lines 12-18; col. 5, lines 44-64);

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monitoring the discourse on the video communication between the callers to determine if the discourse relates to a message desired to be communicated to the callers by the system, (col. 3, lines 18-32; col. 5, lines 44-64; col. 10, line 63-col. 11, lines 17; abstract); and

communicating the desired message via the video communication to the callers when the discourse is determined to be related to the desired message, (col. 3, lines 1-32); and

continuing the above steps until the discourse being accessed is terminated by the callers or the system, (col. 3, lines 1-32).

Ordish teaches that it was well known to use landline connections in a telephone network for video communication and that two way conversations via the telephone was well known in the art. Ordish further suggests in col. 5, lines 51-55 that any type of video communication can be used. Ordish, however, does not specifically teach of the discourse occurring via a telephone.

In the same field of endeavor, Sawyer teaches that it was well known in the art to communicate a desired message via a video telephone ("on a telephone") to callers, (abstract; col. 1, lines 63-65; col. 2, line 63-col. 3, line 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ordish by including a telephone for making the call as taught and suggested by Sawyer so that any type of video communication can be used as suggested by Ordish and so that video telephone can be used to provide voice communication to the end users as taught by Sawyer.

5. Claims 3,4,7-9,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer US Patent 6,351,279 in view of Ordish US Patent 5,195,031.

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Regarding claims 3, 7 and 12, Sawyer teaches a method, system and program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method and a system comprising means for interjecting messages into a real-time isochronous discourse between a plurality of callers is provided (abstract; col. 1, line 63-65; col. 3, lines 29-52) comprising:

forming a system comprising:

a system interface for inputting and storing system parameters by an owner of the system, (col. 4, lines 8-32);

a communication media interface for communicating with a telephone system (video telephone system) being used by two or more callers, (col. 2, line 63-col. 3, line 8; fig. 3);

a database for storing system data including system messages to be transmitted to the callers, (col. 3, lines 9-28);

a caller interface for communicating the system data and/or messages to one or more of the callers, (col. 3, lines 9-8, col. 4, lines 33-50).

Sawyer does not specifically teach of a conversation analyzer and choosing a message based on the conversation.

In the same field of endeavor of video communications, Ordish teaches that it was well known in the art to have a conversation content analyzer and summarizer for determining if the communication on the video communication system between the callers is relevant to the system parameters, (col. 2, line 57-col. 3, line 32);

a database manager for matching system parameters with the communication on the video communication system between the callers, (col. 3, lines 12-18; col. 5, lines 26-64); and

accessing the video communication system being used by two or more callers using the communication media interface, (col. 3, lines 12-18; col. 5, lines 44-64);

monitoring the communication on the video communication system between the callers using the communication media interface, (col. 10, line 63-col. 11, line 17; col. 5, lines 44-64; abstract);

analyzing the conversation on the video communication system using the conversation content analyzer and summarizer, (col. 3, lines 1-32; col. 5, lines 44-64);

determining if there is a match between the conversation on the video communication system and one or more of the system parameters using the database manager, (col. 5, lines 44-64);

sending the system data from the database to the database manager if there is a match and choosing a suitable message from the database for communication to the callers, (col. 3, lines 1-32; col. 10, line 63-col. 11, line 17; and

transmitting the message via the video communication system to the callers using the caller interface, (col. 3, lines 1-32).

The Examiner notes that since Ordish teaches that it was well known to use landline connections in the telephone network for video communication and since Sawyer teaches that the video communication is a video telephone communication then one skilled in the art would have used the well known teaching of monitoring video communications as shown by Ordish into the

video communication (video telephony system) of Sawyer so that real-time messages can be sent to the end parties.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sawyer by using a conversation analyzer to provide the callers with customized announcements based on their conversation as taught by Ordish so that the system can provide adaptive messages that is based upon the users interest and transactions based on their real-time conversation.

Regarding claims 4,8,13, Sawyer in view of Ordish teaches that the isochroous discourse is a telephone call, (abstract, Sawyer).

Regarding claim 9, Sawyer teaches wherein different messages are provided to each caller, (col. 4, lines 7-22).

Response to Arguments

6. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(703) 872-9306, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 703-308-6262. The examiner can normally be reached on M-F (6:30AM - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ovidio Escalante
Examiner
Group 2645
April 28, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', is written over the printed name and title.